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STATE OF NEW JERSEY
DIV. OF CONSUMER AFFAIRS
BOARD OF MARRIAGE
& FAMILY THERAPY

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FILED

2/14/07 *lll/c*
STATE OF NEW JERSEY
BOARD OF MARRIAGE AND FAMILY THERAPY EXAMINERS
ALCOHOL AND DRUG COUNSELOR COMMITTEE

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
ALCOHOL AND DRUG COUNSELOR COMMITTEE
OF THE STATE BOARD OF MARRIAGE AND
FAMILY THERAPY EXAMINERS

IN THE MATTER OF THE	:	
SUSPENSION OR REVOCATION OF	:	Administrative Action
THE LICENSE OF	:	
	:	
ALEXANDRA RUSH	:	CONSENT ORDER
	:	
TO PRACTICE CLINICAL	:	
ALCOHOL AND DRUG COUNSELING	:	
IN THE STATE OF NEW JERSEY	:	

This matter was opened before the Alcohol and Drug Counselor Committee of the New Jersey State Board of Marriage and Family Therapy Examiners (hereinafter "the Committee") upon review of allegations that respondent had engaged in an intimate sexual relationship with a former client less than twenty-four (24) months after respondent had terminated therapy with the client.

Respondent, who is also licensed as a Professional Counselor appeared before the Committee with her attorney, James S. Wulach, Esq., on November 17, 2006 to discuss the allegations. Ms. Rush testified that she met the client during March of 2000, after he had recently completed a prison sentence for a sexual offense. The

client was assigned to respondent for intake at Raritan Bay Mental Health Center because of her experience in treating sexual offenders. Respondent testified that she treated the client for six (6) months, assisting him with integration into the community after incarceration and helping him gain skills in order to engage in a relationship with a woman. Ms. Rush testified that during sessions the client would often talk about guilt, remorse, the loss of his relationship with his wife and daughter, power, control and his anger towards women. During one of the sessions the client revealed his feelings toward respondent but respondent did not tell the client that she had feelings for him. Respondent testified that she discussed the client's revelations with her supervisor and advised the supervisor that she had affection for the client.

Respondent testified that after the discussions with her supervisor, the client was transferred to a male therapist and that her work hours were changed to prevent her from interacting with the client. She advised the new therapist of the client's attraction for her but did not mention her affection for the client. However, the client often arrived early for his sessions with the male therapist in order to see the respondent. The client was then transferred to another agency. Before the client left the agency where respondent was employed, the client left a love poem for respondent and his cell phone number. Respondent testified that after the client had been transferred to another agency, she sent the client a spiritual book because she had "feelings of affection and caring for him."

Respondent acknowledged that she called the client on September 11, 2001 because she had "strong feelings for him and ... wanted to know that he was okay." Respondent again initiated contact with the client during December 2001, twenty-one (21) months after treatment

was terminated. Respondent admitted that she knew that the regulations prohibited her from engaging in sexual contact with a client for a minimum of twenty-four (24) after terminating the client-counselor relationship. Respondent testified that her therapist advised her not to engage in a sexual relationship with a former client for at least two (2) years after treatment was terminated. However, respondent claimed she was going through a very difficult period in her own life and ignored her own better judgment. Respondent admitted that she engaged in a sexual relationship with the former client within twenty-four (24) months of terminating the client-counselor relationship. Respondent acknowledged that she failed to consider whether the client was a vulnerable client for whom a relationship would be prohibited indefinitely pursuant to N.J.A.C. 13:34C-3.3(c)1. Further respondent conceded that she failed to notify the Committee of her misconduct.

Respondent acknowledged that she acted inappropriately with the client and engaged in professional misconduct. She claimed that her relationship with the client was "a total aberration in ... (her) career," not characteristic of her professional or personal conduct. Respondent testified that she "was going through one of the most difficult times in ... (her) life, a terrible period." Respondent testified that she is currently in therapy to work through personal, professional and ethical issues. Respondent was remorseful about her conduct and testified that she now understands how her misconduct could have harmed her client. She asserted that she never intended to harm anyone.

The Committee has reviewed respondent's experience in the field of alcohol and drug counseling, the documents submitted and the testimony before the Committee. The Committee has also considered

respondent's acknowledgment of her errors, as well as her remorse relating to her inappropriate and unethical conduct. The Committee found her testimony sincere, credible and remorseful, but finds that her conduct constituted professional misconduct in violation of N.J.S.A. 45:1-21(e) and sexual misconduct in violation of N.J.A.C. 13:34C-3.3(c). The Committee finding that the following disposition of this matter is adequately protective of the public, and other good cause appearing;

IT IS THEREFORE ON THIS 14th DAY OF February, 2007
ORDERED:

1. Respondent's license to practice alcohol and drug counseling in the State of New Jersey shall be suspended for a period of five (5) years, the first three (3) years to be served as an active suspension, commencing February 27, 2007. The remainder of the suspension shall be stayed. No credit shall be given toward the period of active suspension for any time period during which respondent is practicing any type of counseling in the State of New Jersey or any other jurisdiction or state, whether or not such counseling is provided in an exempt setting.

2. Respondent shall remain in psychotherapy for a minimum of three (3) years, the therapy shall include discussion of boundary issues and ethics applicable to alcohol and drug counseling, at a frequency to be determined by the therapist but not less than once per week. Respondent shall submit her current psychotherapist's name and credentials to the Committee for evaluation within ten (10) days of the filing of this order. In the event the psychotherapist is not approved by the Committee, respondent shall provide the Committee with the credentials of an alternate psychotherapist within ten (10) days of notification that the psychotherapist has not been approved.

Unilateral cessation of therapy by respondent shall constitute a violation of this order. In the event respondent ceases therapy with her approved psychotherapist, respondent shall notify the Committee in writing within three (3) days of cessation of treatment with the reasons therefore and shall submit the credentials of an alternate psychotherapist to the Committee for approval within ten (10) days thereafter. Respondent shall provide all psychotherapists with a copy of the within order and each psychotherapist shall sign a copy of the Consent Order acknowledging that the psychotherapist has read the Consent Order and agrees to the reporting requirements. The copy of the Consent Order signed by the psychotherapist shall be sent to the Committee within ten (10) days thereafter. The psychotherapist shall immediately (within 3 days) report to the Committee in writing if Ms. Rush unilaterally ceases therapy or if treatment ceases for any other reason. Only periods of time during which respondent is in active therapy shall be counted toward the three (3) year period of active suspension. The psychotherapist shall provide the Committee with yearly reports (due on or before November 1 of each year) expounding upon respondent's progress in therapy and specifically include a discussion of respondent's understanding of ethical and boundary issues applicable to alcohol and drug counseling.

3. During the period of active suspension respondent shall fully attend and successfully complete the mandatory course in the legal standards of alcohol and drug counseling in the State of New Jersey [N.J.A.C. 13:34C-5.2(d)]. Respondent shall also fully attend and successfully complete a three (3) credit graduate level course pre-approved by the Committee in the subject area of ethics and boundary issues. Respondent shall submit written documentation of her

successful completion of both courses to the Committee within two (2) years of the signing of this Consent Order.

4. Respondent shall pay costs of the State's investigation in the amount of nine-hundred-twenty dollars and nine-nine cents (\$929.99) upon signing of this order. Payment shall be by certified check or money order, payable to the Treasurer, State of New Jersey and submitted to Elaine DeMars, Executive Director, Alcohol and Drug Counselor Committee, P.O. Box 45044, Newark, New Jersey 07101. In the event respondent fails to timely pay, a certificate of debt may be filed in accordance with N.J.S.A. 45:1-24, and the Committee may bring such other proceedings as authorized by law.

5. Respondent shall pay civil penalties in the amount of twenty-five hundred dollars (\$2,500.00). Payment shall be by certified check or money order, payable to the Treasurer, State of New Jersey and submitted to Elaine DeMars, Executive Director, Alcohol and Drug Counselor Committee, P.O. Box 45044, Newark, New Jersey 07101 on or before March 5, 2007. In the event respondent has not made full payment by March 5, 2007 or seeks a payment plan for the payment of the civil penalty, the Committee shall file a Certificate of Debt in accordance with N.J.S.A. 45:1-24 in the full amount of the civil penalty. Respondent shall provide proof of full payment of the civil penalty upon applying for a restricted license to practice alcohol and drug counseling.

6. Two months prior to the end of the active period of suspension provided herein, respondent may apply for a restricted license upon demonstrating that she is fit and competent to re-enter the practice of clinical alcohol and drug counseling and has complied with all the terms of the within order. Upon any such application respondent shall submit:

a. A report from each of her psychotherapists demonstrating that she has engaged in therapy throughout the period of active suspension, expounding upon her current progress in therapy and recommending that she is able to return to practice. The psychotherapist's report shall also include a recommendation whether further treatment is necessary. If further treatment is necessary, the report shall include a plan for future treatment. If further treatment is not required, the report shall explain why treatment should be concluded.

b. A statement signed and dated by the respondent listing each job respondent engaged in during the time respondent's license was actively suspended, including name of business or entity, address, name of supervisor, telephone number of supervisor, dates of employment and description of respondent's duties.

c. Documentation that costs and civil penalties have been paid in full.

d. Documentation that all courses required pursuant to paragraph 3 of this order have been fully attended and successfully completed.

e. If so requested by the Committee, respondent shall appear before the Committee where the burden shall be upon the respondent to demonstrate that respondent is fit and competent to practice to the Committee's satisfaction.

7. In the event the Committee finds the respondent is fit and competent to practice following the period of suspension, respondent's license shall be reinstated active and respondent shall practice alcohol and drug counseling on probation for a period of a minimum of two years pursuant to the following conditions:

a. Respondent shall practice alcohol and drug counseling under the supervision of a supervisor pre-approved by the Committee. The supervisor must have expertise in treating sex offenders. The supervisor shall sign a copy of this Consent Order or a subsequent Order filed by the Committee which shall be submitted to the Committee prior to respondent commencing employment as an alcohol and drug counselor. In the event the supervisor ceases supervising respondent, respondent shall cease and desist engaging in alcohol and drug counseling unless and until a new supervisor is approved by the Committee and submits a signed copy of the Consent Order or a subsequent Order to the Committee. Respondent shall immediately (within 24 hours) notify the Committee in writing of any change in supervision.

b. Respondent shall provide all employers immediately upon commencement of employment with a copy of the within Order. Respondent shall be required to provide the Committee with a copy of this Consent Order (or a subsequent Order filed by the Committee) signed by each employer acknowledging that the employer has reviewed this Consent Order within ten (10) days of the commencement of employment.

c. During the period of stayed suspension, respondent shall notify the Committee in writing within twenty-four (24) hours of any change in the status of her employment, including any change in location, responsibilities and/or title, or additional places of employment.

d. Respondent's supervisor shall agree to report to the Committee in writing within 72 hours of awareness of any indication that respondent is not capable of continued practice or has violated the statutes or regulations governing the practice of alcohol and

drug counseling or has been disciplined or terminated from employment. Such notice shall be provided to Elaine DeMars, Executive Director, Alcohol and Drug Counselor Committee or her designee, 124 Halsey Street, Newark, New Jersey 07102, (973) 504-6582.

8. If respondent's license is reinstated as provided in paragraph 7 above, two months prior to the end of the period of probation provided herein, respondent may apply for an unrestricted license upon demonstrating that she is fit and competent to practice without any restrictions and has complied with all the terms of this Order or any subsequent Order of the Committee. If so requested by the Committee, respondent shall appear before the Committee where the burden shall be upon respondent to demonstrate to the Committee's satisfaction that she is fit and competent to practice without any restrictions.

9. Respondent shall comply with all statutes and regulations, as well as professional standards of conduct and obligations imposed by law on licensed alcohol and drug counselors.

10. If respondent is reinstated, any deviation from the terms of this Consent Order without the prior written consent of the Committee shall be grounds for an automatic immediate temporary suspension if in the sole discretion of this Committee respondent has violated the Consent Order. Respondent may petition the Committee

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on five (5) days notice for a hearing limited to the sole issue of whether she has deviated from the terms of the Consent Order.

ALCOHOL AND DRUG COUNSELOR COMMITTEE OF THE
NEW JERSEY STATE BOARD OF MARRIAGE AND
FAMILY THERAPY EXAMINERS

Edward Reading LQADC

Edward Reading, LQADC
Committee Chair

I have read the above order and I understand and agree to abide by its terms. Consent is hereby given to the Alcohol and Drug Counselor Committee of the State Board of Marriage and Family Therapy Examiners to enter this Order.

Alexandra Rush

Alexandra Rush

Consent as to form and entry:

James S. Wulach, Esq.
Attorney for respondent

THERAPIST

I have read the within Order and agree to provide psychotherapy to Alexandra Rush and to submit reports to the Committee as provided in this Order.

Marsha Lewin, Ph.D.

(Print name of signator)
Name of Psychotherapist

License # 227
Dated: 1-29

Address: 220 Lenox Ave. Westfield, NJ 07090
Telephone # 98-654-6120
(including area code and extension number)

STATE OF NEW JERSEY
DEPT. OF CONSUMER AFFAIRS
BOARD OF MARRIAGE
& FAMILY THERAPY
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EMPLOYER

I have read the within Order.

(Print name of signator)
Name of Employer

License #
Dated: _____, 20__

Address:
Telephone #
(including area code and extension number)

SUPERVISOR

I have read the within Order. I
agree to the supervision and reporting
requirements in this Order.

Print Name of Supervisor
Address:
Telephone Number
License No.

Dated: _____, 20__